

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-CR-118

KEITH A. ROBERTS,

Defendant.

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**ORDER GRANTING PERMISSION TO APPEAL IN FORMA PAUPERIS**

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Defendant Keith Roberts, through pro bono counsel, has moved the court for leave to proceed on appeal *in forma pauperis*. Roberts also seeks waiver of fees for transcripts necessary for the appeal. In support of his motion, Roberts has filed an affidavit indicating his income, assets, liabilities and expenses.

Roberts motion will be granted. In truth, it appears that the affidavit and motion may be unnecessary. Under the Criminal Justice Act, if a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefore, and without filing the affidavit required through Section 1915(a) of Title 28. 18 U.S.C. § 3006(A)(d)(7). Counsel was appointed for Roberts pursuant to the CJA for trial purposes. Although Roberts replaced the court-appointed attorney with an attorney who is now representing him pro bono, this section would still seem applicable. In any event, it is clear from the affidavit submitted in support of his motion that Roberts lacks sufficient funds for the costs associated with his appeal. Accordingly, his motion to proceed *in forma*

*pauperis* is granted. With respect to his request for transcripts, counsel should make specific requests for transcripts of those proceedings necessary for the appeal on forms provided by the clerk or office of the Federal Defender. Assuming proper requests are made and approved by the court, transcripts will be prepared without payment by the defendant.

**SO ORDERED** this 15th day of March, 2007.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge